



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,563	09/12/2000	Gregory L. Slaughter	5181-64900	6903
58467	7590	11/05/2010		
MHKKG/Oracle (Sun)			EXAMINER	
P.O. BOX 398			CHANKONG, DOHM	
AUSTIN, TX 78767				
			ART UNIT	PAPER NUMBER
			2452	
			NOTIFICATION DATE	DELIVERY MODE
			11/05/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent\_docketing@intprop.com  
ptomhkk@gmail.com

**Office Action Summary****Application No.**

09/660,563

**Applicant(s)**

SLAUGHTER ET AL.

**Examiner**

DOHM CHANKONG

**Art Unit**

2452

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 6-13, 16-23 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-13, 16-23 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/C.3)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This final rejection is in response to Applicant's amendment filed on 9/2/2010. Applicant amends claims 1-3, 6, 8-13, 16, 18-23, and 26-30 and cancels claims 4, 5, 14, 15, 24, and 25. Accordingly, Applicant presents claims 1-3, 6-13, 16-23, and 26-30 for further examination.

#### I. RESPONSE TO ARGUMENTS

Applicant's arguments with respect to claims 1-3, 6-13, 16-23, and 26-30 have been considered but are moot in view of the new ground(s) of rejection which was necessitated by Applicant's amendment.

#### II. CLAIM REJECTIONS - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**A. Claims 1-3, 6-13, 16-23, and 26-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Zintel et al.*, U.S. Patent No. 6,725,281 [*"Zintel"*].**

##### **Claims 1, 11, and 21**

As to claim 1, *Zintel* discloses a method, comprising:

a client, implemented by a computer on a network [Fig. 7 «item 104»: *Zintel's* User Control Point (UCP) reads on the claimed client], obtaining a service advertisement from a space

[Fig. 3: disclosing a device comprising multiple services and a description document where the device reads on the claimed space | Fig. 7, Fig. 14, and column 27 «lines 1-7»: disclosing the UCP retrieves a description document containing a collection of parameters for a service (e.g., service definition, serviceType, and controlURL) for each service in a device where the collection of parameters (within the document) represent a service advertisement], where the service advertisement is expressed in a markup language [column 9 «lines 3-21»: disclosing that the definition is expressed in XML], wherein the space comprises a network-accessible repository which stores a plurality of service advertisements expressed in the markup language [Fig. 14 & column 27 «lines 1-7»: disclosing a controlled device comprising a description document that contains multiple service definitions. Because the controlled device stores multiple services, the controlled device reads on the claimed repository], wherein each of the plurality of service advertisements comprises a Uniform Resource Identifier (URI) [column 10 «lines 55-67» and column 27 «lines 9-10»: disclosing one of the parameters within the service advertisement is a control URL which is used to access the service (through commands)] and a markup language schema for a respective service [column 9 «lines 3-21»: disclosing that the definition comprises a schema for controlling the services | column 14 «lines 35-51»], wherein the URI specifies a network address at which the respective service may be accessed [column 18 «lines 15-17»: control URL points to a control server that implements the service], and wherein the markup-language schema defines a message interface for accessing the respective service [column 9 «lines 4-21» | column 14 «lines 13-20»]; and

the client accessing the service according to the service advertisement, wherein said accessing the service comprises the client sending a first markup-language message to the

service at the URI specified in the service advertisement, wherein the first message is specified in the markup-language schema [Fig. 13 and column 25 «lines 23-43»: disclosing that the UCP sends a first message (i.e., GetIcon) to the controlled device after receiving the service definition (through the description document) | column 20 «lines 40-45»].

The examiner notes that *Zintel* discloses that the UCP (i.e., client) obtains all service definitions (i.e., advertisement) provided by the controlled device (i.e., space). Applicant's claim requires obtaining a service advertisements but does not prohibit obtaining all advertisements in the space. Thus, *Zintel*'s teaching of retrieving the description document that comprises all of the service definitions reads on the claimed limitation of obtaining a service advertisement.

Claims 11 and 21 are rejected for at least the same reasons set forth for claim 1.

#### **Claims 2, 12, and 22**

As to claim 2, *Zintel* discloses the service sending a second markup language message to the client in response to the service receiving the first markup language message, wherein the second markup language message is specified in the markup language schema [Fig. 13, column 25 «lines 45-52», column 26 «lines 45-53»: disclosing the service (located in the controlled device) returns messages in response to the first message (Get Icon) from the UCP].

Claims 12 and 22 are rejected for at least the same reasons set forth for claim 2.

#### **Claims 3, 13, and 23**

As to claim 3, *Zintel* discloses invoking one or more functions of the service in response to the first markup language message [column 9 «lines 4-21» and Fig. 7: disclosing the UCP sends commands using SCP to the controlled device after receiving the description document].

Claims 13 and 23 are rejected for at least the same reasons set forth for claim 3.

**Claims 6, 16, and 26**

As to claim 6, *Zintel* discloses the markup language comprises XML [column 5 «lines 56-59»].

Claims 16 and 26 are rejected for at least the same reasons set forth for claim 6.

**Claims 7, 17, and 27**

As to claim 7, *Zintel* discloses the URI comprises an Internet address [column 10 «lines 55-67» and column 27 «lines 9-10»].

Claims 17 and 27 are rejected for at least the same reasons set forth for claim 7.

**Claims 8, 18, and 28**

The term “publish” is interpreted consistent with Applicant’s specification which describes one embodiment: “Published advertisements may represent “on-line” services ready for clients to use” [pg. 64, lines 18-19]. The limitation in claim 8 therefore is interpreted as referring to any advertisements in the space that is available for use by the client.

As to claim 8, *Zintel* discloses the service publishing the service advertisement in the space [Fig. 7: disclosing embedding the service definition within the description document and making the document available to the UCP].

Claims 18 and 28 are rejected for at least the same reasons set forth for claim 8.

**Claims 9, 19, and 29**

As to claim 9, *Zintel* discloses the client accessing a lookup service to find the service advertisement in the space [column 8 «lines 40-44» | column 15 «lines 47-49»: the result of the search (i.e., lookup service) is a URL to the description document which comprises the service definition].

Claims 19 and 29 are rejected for at least the same reasons set forth for claim 9.

**Claims 10, 20, and 30**

As to claim 10, *Zintel* discloses the client generating a message gate for accessing the service, wherein the message gate is generated according to the URI and the markup language schema in the service advertisement, and wherein said sending a first markup language message to the service comprises sending the message via the message gate [column 21 «lines 24-28 and 48-61»: generating service objects using the schema from the description document where the service objects are used to invoke actions on the service. *Zintel's* service objects read on the claimed message gate].

**III. CONCLUSION**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOHM CHANKONG whose telephone number is (571)272-3942. The examiner can normally be reached on Monday to Friday [10 am - 6 pm].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thu Nguyen can be reached on (571)272-6967. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOHM CHANKONG/  
Primary Examiner, Art Unit 2452